

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DAVID S. CHANEY
Chief Assistant Attorney General
3 FRANCES T. GRUNDER
Senior Assistant Attorney General
4 MICHAEL W. JORGENSEN
Supervising Deputy Attorney General
5 LISA SCIANDRA, State Bar No. 246532
Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5846
Fax: (415) 703-5480
8 Email: Lisa.Sciandra@doj.ca.gov

9 Attorneys for Defendants Hickman and Horel

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 **MANUEL HILL,**

15 Plaintiff,

16 v.

17 **RODERICK HICKMAN, et al.,**

18 Defendants.
19

Case No. C 07-5125 JF

**DECLARATION OF N.
GRANNIS IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS**

20 I, N. GRANNIS, declare as follows:

21 1. I am employed by the California Department of Corrections and Rehabilitation
22 (CDCR) as the Chief of the Inmate Appeals Branch. I am competent to testify to the matters set
23 forth in this declaration, and if called upon to do so, I would and could so testify. I submit this
24 declaration in support of Defendants' Motion to Dismiss.

25 2. I am familiar with the sections of Title 15 of the California Code of Regulations that
26 govern an inmate appeal. Section 3084.5 describes the levels of appeal that are available to an
27 inmate. Section 3084.5(e)(2) provides that "[t]hird level review constitutes the director's
28 decision on an appeal, and shall be conducted by a designated representative of the Director

1 under supervision of the chief, inmate appeals.” Attached as Exhibit A is a copy of the sections
 2 relevant to inmate appeals, updated through September 7, 2007. Attached as Exhibit B is the
 3 Form CDC 602 used by an inmate when the inmate files an administrative appeal. The Form
 4 CDC 602 informs the inmates of how to proceed “if dissatisfied” with a particular level of
 5 decision.

6 3. The director’s decision exhausts the administrative remedy available to an inmate
 7 within the CDCR. The director’s decision also advises an inmate that the decision constitutes the
 8 exhaustion of administrative remedies available to the inmate within the CDCR.

9 4. The Inmate Appeals Branch keeps an electronic record of each inmate appeal that has
 10 proceeded through the final level of review, the Director’s Level, also referred to as the third
 11 level. When an appeal is received by the Inmate Appeals Branch and is accepted for review, it
 12 will be given an appeal number and will be logged into the system. The system was commenced
 13 in 1993. The following information will be kept in the electronic record: appeal log number, the
 14 category (nature/subject) of the appeal, institutional log numbers, inmates’ names and CDC
 15 numbers, institutions where the appeal arises, the date that the appeal is received and closed, and
 16 the final disposition of the appeal.

17 5. A search of the computerized system has been conducted under the inmate name
 18 Manuel Hill, CDCR number E-45048. Attached as Exhibit C is a true and correct copy of the
 19 Inmate Appeals Branch computer printout report, with records back to May 2004, of each inmate
 20 appeal that was submitted by Inmate Hill that was accepted for review or screened out at the
 21 Director’s Level.

22 a. Exhibit C shows that appeal log number PBSP 05-02880 was completed at the

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1 Director's level of review on May 16, 2006.

2 b. Exhibit C also shows that appeal log number PBSP 05-02833 was never accepted
3 at the Director's level of review.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed at Sacramento,
5 California, on May 16, 2008.

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8 N. Grannis
Chief, Inmate Appeals Branch

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